

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 09-8037 AHM (VBKx)	Date	December 7, 2009
Title	ALEXANDER PRESNIAKOV v. ANN O. HILTON, et al.		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE
------------------------	-------------------------------------

Kendra Bradshaw

Not Reported

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys **NOT** Present for Plaintiffs:Attorneys **NOT** Present for Defendants:

Proceedings: IN CHAMBERS (No Proceedings Held)

On November 3, 2009, Plaintiff Alexander Presniakov ("Plaintiff") filed this action based on diversity jurisdiction under 28 U.S.C. § 1332. Complaint ¶ 3. The Complaint alleges that Plaintiff is a resident of California. *Id.* ¶ 1. The Complaint also alleges that Defendant Ann O. Hilton ("Defendant") is a resident of Nevada. *Id.* ¶ 2.

A federal court must determine its own jurisdiction even if there is no objection to it. *Rains v. Criterion Systems, Inc.*, 80 F.3d 339 (9th Cir. 1996). Jurisdiction must be determined from the face of the complaint. *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987). A federal court has original jurisdiction over a civil matter "where the matter in controversy exceeds the sum or value of \$75,000, . . . and is between . . . citizens of different State." 28 U.S.C. § 1332(a). To be "a citizen of a State within the meaning of the diversity statute, a natural person must both be a citizen of the United States *and* be domiciled within the State." *Brady v. Brown*, 51 F.3d 810, 815 (9th Cir. 1995) (emphasis in original). "A person residing in a given state is not necessarily domiciled there, and thus is not necessarily a citizen of that state." *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001).

The Complaint alleges the residence of both Plaintiff and Defendant, but not the state in which either is domiciled. Plaintiff's allegations therefore do not conclusively establish diversity jurisdiction.

Accordingly, and good cause appearing therefor, the Court hereby ORDERS Plaintiff to SHOW CAUSE on or before December 17, 2009, why this action should not be dismissed for lack of diversity jurisdiction.

Failure to respond on or before that date will be construed as consent to dismissal.

Initials of Preparer

KB